



## HISTORIC PRESERVATION COMMISSION

**Marc Elrich**  
*County Executive*

**Robert K. Sutton**  
*Chair*

July 21, 2022

Council President Gabe Albornoz  
Council Office Building  
100 Maryland Avenue - Room 217  
Rockville, MD 20850

Dear Council President Albornoz,

I am writing in my capacity as Chair of the Historic Preservation Commission (HPC) to express the Commission's support for ZTA 22-06. At the July 13, 2022, HPC meeting we received a briefing from Planning Staff regarding the proposed "ZTA 22-06, Exemptions - Historic Resources - Allowed Uses". The HPC was unanimously supportive of the ZTA's objective to allow additional uses for historic properties in residential zones along arterial roads. This ZTA will add flexibility to the zoning ordinance that can assist in putting those historic properties into productive use, ensuring their long-term preservation.

The HPC's primary concern with the proposed ZTA is the procedural mechanism to change the use. Putting a historic property into a new use, not allowed as a conditional in the underlying zone, will require a Site Plan review only after the HPC reviews the proposal and recommends that the Planning Board approve it. However, several categories of uses identified in the underlying zone (in R-200, R-90, and R-60 Clinic (up to 4 Medical Practitioners) and Office, and Rural Antique Shops in RE-2, RE-1, and R-200) maintain a Conditional Use review to implement the use change, and this process does not expressly require HPC review until the applicant submits a Historic Area Work Permit (HAWP). It is conceivable that an applicant could get the conditional use approved, only to have the HPC find that the proposal is incompatible with the site's historic character at the permitting stage. The applicant would then have to begin the process from the beginning or go through the lengthy appeals process.

The HPC is composed of residents having extensive experience in history, architecture, historic preservation, and urban design. Because this ZTA applies only to sites on the Master Plan for Historic Preservation, the HPC strongly believes that any review for proposals that take advantage of the provisions in this ZTA should begin a Site Plan Review, which would produce comments from the HPC. By starting with the HPC, rather than through the standard Conditional Review process which doesn't explicitly require HPC review, the project can move forward with a degree of certainty that the alterations necessary to accommodate the new use are compatible with the site's historic character, and will have the HPC's support when the proposal returns for a HAWP. Applicants have the ability to come forward for a

preliminary consultation to receive the HPC's feedback on proposals at any time during our regularly scheduled public hearings.

Thus, the HPC supports applying the Site Plan review outlined in 7.7.1.D.11.b-d to all uses enumerated in 7.7.1.D.11.a, including those uses that are conditional in the underlying zoning. We believe this procedure is the best path forward to ensure the preservation of the individual site's historic character without increasing the regulatory burden on project applicants.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert K. Sutton", written in a cursive style.

Robert K. Sutton, Chair  
Historic Preservation Commission

Cc: Members, Historic Preservation Commission